

Yang-Chang WU
Application No. 10/005,324
Amdt. dated May 9, 2005
Reply to Office action of February 9, 2005

REMARKS/ARGUMENTS

Reconsideration of the above identified application is respectfully requested.

In the Office Action dated February 9, 2005, claims 1, 2, 5-11, 16, 17, 19, 21 and 22 were pending and rejected. Claims 6-9 were again rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 2, 5-11, 16, 17, 19, 21 and 22 were rejected on a new ground under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 6 and 7 were rejected on a new ground under 35 U.S.C. §112, first paragraph, as being a hybrid of method and compositions. In addition, the Examiner reminded Applicants that the listing of claims submitted with the previous response does not contain a claim 20.

In response to the enablement rejections, Applicants have amended claims 6-9 to further clarify the claims. Applicants also submit a 132 declaration accompanying this response. The 132 declaration is prepared by an investigator working for the assignee, Advpharma, Inc., who studied the cytotoxic effects of muricins A, E, and G in various human tumor cell lines, and confirmed that muricins A, E, and G possessed cytotoxicity to human tumor cells.

In response to the indefiniteness rejections, Applicants have amended claims 1-2, 5, 6-9, 10-11, 19, and 21-22, and canceled claims 12-18, and 20, to further clarify the claims. No new matter has been introduced.

Applicants respectfully submit that the amendments of the claims have overcome the rejections for reasons set forth below:

Claim Rejection Under 35 U.S.C. §112, first paragraph

Claims 6-9 are rejected as failing to comply with the enablement requirement.

Yang-Chang WU
Application No. 10/005,324
Amdt. dated May 9, 2005
Reply to Office action of February 9, 2005

In response to these rejections, Applicants incorporate by reference their response and arguments submitted in the previous response to the office action. In addition, Ms. Yi-Jen Lee, an investigator at Advpharma, Inc., the assignee of the above-identified application, submitted a 132 declaration, which described her studies of the cytotoxic effects of muricins on human tumor cells. The results of Ms. Lee studies support Applicants' claimed invention, that the muricins identified in this application, particularly muricins A, E, and G, have cytotoxic effects on human tumor cells and can be used to treat patients with tumors.

Claim Rejection Under 35 U.S.C. §112, first paragraph

Claims 1, 2, 5-11, 16, 17, 19, 21 and 22 are rejected as being indefinite. Claim 1 is rejected for being unclear whether it is drawn to individual or a mixture of Annonaceous acetogenin compounds. Claim 2 is rejected as lacking antecedent basis because claim 2 is a process claim depending on claim 1, which is drawn to "a mixture of Annonaceous acetogenin compounds" and claim 2 contains no isolating step. Claim 5 is rejected as being inconsistent with claim 1 and unclear for not defining the term "substantially" in the claim and the specification.

In response to the rejection, Applicants have amended claim 1 to clearly point out that the claim is directed to individual compound, *i.e.*, muricins A to G, respectively.

Applicants have converted claim 2 into an independent claim which claims a method for isolating Annonaceous acetogenins compounds from *Annona muricata* seeds.

Claim 5 is amended to clearly point out that it claims an Annonaceous acetogenin compound (*i.e.*, muricin A, muricin B, muricin C, muricin D, muricin E, muricin F, or muricin

Yang-Chang WU
Application No. 10/005,324
Amdt. dated May 9, 2005
Reply to Office action of February 9, 2005

G) and a pharmaceutically acceptable carrier, which is consistent with the amended claim 1, which claims an Annonaceous acetogenin compound.

Applicants respectfully submit that the rejection has been overcome.

In view of the foregoing, the rejections have been overcome and the claims are in condition for allowance, early notice of which is requested. Should the application not be passed for issuance, the examiner is requested to contact the applicant's attorney to resolve the problem.

Respectfully submitted,



Fei-Fei Chao, Ph.D.
Reg. No. 43,538
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067
Tel.: (202) 778-3179
Fax: (202)-778-6155

Date: May 9, 2005